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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,696	04/04/2001	Benham Azvine	36-1443	5934

7590 03/10/2005

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EXAMINER

DALENCOURT, YVES

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/806,696

Applicant(s)

AZVINE ET AL.

Examiner

Yves Dalencourt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7,9,10 and 17-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9,10 and 17-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 November 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/26/2001</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This office action is responsive to amendment filed on 11/15/2004.

#### ***Response to Amendment***

The examiner has acknowledged the amended abstract, the amended claims 1 – 7, 9 – 10, 17 – 18, the submission of new claims 19 – 26, and the cancellation of claims 8, and 11 – 16. The rejection of claims 1, 10 under 35 U.S.C. 112 second paragraph has been withdrawn.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1 – 7, 9 – 10, and 17 - 26 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Objections***

Claim 7 is objected to because of the following informalities: It is suggested to delete “ **first** ” (claim 7, lines 3 and 5), since the claims have been amended to recite only the word “**communication**”. Appropriate correction is required.

Claim 1 is objected to because of the term “ a communication ”(line 11). It is suggested to insert – the communication – instead, unless Applicant is referring to another communication, which would make the claim confusing.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1 and 10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 1 and 10, the limitations of “ operable to measure the time taken for the user to review and/respond to a communication (claim 1, lines 10 and 11); and observing time taken for the user to respond to the communication (claim 10, lines 7 and 8) are not described in the specification. It has not been disclosed in the specification how such limitations are taken place. Therefore, one skilled in the art would not know how to make and/or use the invention. The examiner was unable to find where in the lengthy specification; these added limitations mentioned above were located. The cited portion (from page 38, line 30 to page 49, line 12) did not provide any support for the new limitations in claims 1 and 10.

Claims 2 – 7, 9, and 17 – 26 are necessarily rejected as being dependent upon the rejection of claims 1 and 10.

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In view of such, the rejection is sustained and maintained, since the added limitations in the claims are not supported by the specification. New claims 19 – 26 are not rejected with art based on the new matter rejection mentioned above.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4 – 6, 10, and 17 – 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Sunil Paul (US 6,052,709; hereinafter Paul).

Regarding claims 1, 10, and 17, Paul teaches an apparatus and a method for processing communications received by a user over a communications link, which communications include identification information (fig. 1; col. 5, lines 1 - 5), the apparatus comprising an input for communications (208, fig. 2; col. 5, lines 5 – 9; col. 6, lines 32 – 43); extracting means for extracting identification information associated with a first communication received at the input (paragraph bridging col. 3, line 63 through col. 4, line 4; col.5, lines 15 - 20 ); categorising means for categorising the first communication and recommending an action based on the categorisation (paragraph bridging col. 5, line 63 through col. 6, line 4; col. 7, lines 37 - 41); means for monitoring

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user response to the first communication (col. 1, lines 61 - 67); modifying means for modifying the categorising means in accordance with a monitored user response to the first communication (col. 6, lines 10 – 16; paragraph bridging col. 5, line 63 through col. 6, line 16), such that when a second communication having identifying information matching that of the first communication is received, the monitored user response is recommended by the categorising means (col. 6, lines 44 – 57; col. 7, lines 15 - 36).

Regarding claim 2, Paul teaches an apparatus for processing communications received by a user over a communications link, wherein the extracting means includes comparing means for comparing the identification information with predetermined identification information (col. 7, lines 21 - 25).

Regarding claim 4, Paul teaches an apparatus for processing communications received by a user over a communications link, wherein each of the first and second communications is either one of an email or a telephone call (col. 5, lines 1 - 9).

Regarding claim 5, Paul teaches an apparatus for processing communications received by a user over a communications link, wherein the identification information includes at least one of a subject of the email; an address of a sender of the email; a recipient list of the email; and/or a calling line identifier (col. 5, lines 10 – 19).

Regarding claim 6, Paul teaches an apparatus for processing communications received by a user over a communications link, wherein the comparing means is operable to compare a subject with a predetermined list of subjects (col. 6, lines 44 – 57).

Regarding claim 18, Paul teaches a computer program placed on a carrier, which carrier includes a hard disk drive storage medium (206, fig. 4; col. 6, lines 26 – 29).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 3, 7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sunil Paul (US 6,052,709; hereinafter Paul).

Regarding claim 3, Paul teaches all the limitations in claim 2, but fails to explicitly teach that the extracting means utilizes fuzzy logic. However, the examiner takes Official Notice that utilizing a fuzzy logic to extract information or data is well known in the art. Thus, it would have been obvious to one of ordinary skill in the art at the time of

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the invention to modify Paul's device by using a fuzzy logic to extract information or data for the purpose of determining the category to which a message is assigned based on its ranking.

Regarding claim 7, Paul teaches all the limitations in claim 1, but fails to explicitly teach that the categorizing means includes a Bayes net. However, the examiner takes Official Notice that a categorizing means that includes a Bayes net. is well known in the art. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Paul's device by using a Bayes net. as reasoning engine for the purpose of browsing history and demographical information.

Regarding claim 9, Paul teaches all the limitations in claim 1, but fails to explicitly teach means for automatic message transmission, such that when a communication is received from a sender that has been identified for automatic message transmission, a predetermined message is automatically returned in response to the communication.

However, the examiner takes "**Official Notice**" that having an apparatus comprising means for automatic message transmission, such that when a communication is received from a sender that has been identified for automatic message transmission, a predetermined message is automatically returned in response to the communication is well known in the art using an e-mail software package such as Microsoft Outlook, Microsoft Exchanged to name a few.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to use means for automatic message transmission, such that when a communication is received from a sender that has been identified for automatic



message transmission, a predetermined message is automatically returned in response to the communication in Paul's device for the purpose of enabling a user to manage his/her mailbox in a friendly manner.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yves Dalencourt whose telephone number is (571) 272-3998. The examiner can normally be reached on M-TH 7:30AM - 6:00PM.

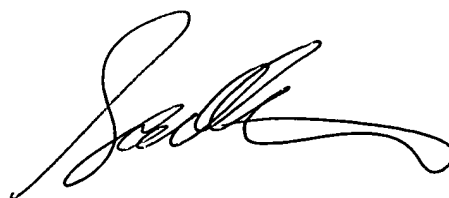
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yves Dalencourt

*Y.D.*  
March 5, 2005

A handwritten signature in black ink, appearing to read 'Saleh Najjar', with a stylized, flowing script.

**SALEH NAJJAR  
PRIMARY EXAMINER**